

MINUTES

CITY PLAN COMMISSION/ARCHITECTURAL REVIEW BOARD

MARCH 16, 2009

The City Plan Commission/Architectural Review Board of the City of Clayton, Missouri, met upon the above date at 5:30 p.m., Chairman Harold Sanger presiding. Upon roll call, the following responded:

Present:

Chairman Harold Sanger
Steve Lichtenfeld, Aldermanic Representative
Craig Owens, City Manager
Marc Lopata
Scott Wilson
Ron Reim

Absent:

Jim Liberman

Also Present:

Kevin O'Keefe, City Attorney
Catherine Powers, Director of Planning & Development Services
Jason Jaggi, Planner

Chairman Sanger welcomed everyone to the meeting and asked that conversations not take place during the meeting and that all cell phone and pager ringers be turned off.

MINUTES

The minutes of the February 17, 2009 meeting were presented for approval. The minutes were approved, after having been previously distributed to each member.

PUBLIC HEARING – CITY BUSINESS – ZONING ORDINANCE TEXT AMENDMENTS

Catherine Powers explained that this is a public hearing to solicit input regarding amendments to Chapter 405 (Zoning Regulations) and Chapter 410 (Overlay & Urban Design Districts) affecting garage placement and impervious coverage requirements for properties fronting Haddington Court in the Clayshire Subdivision and to also provide an update to the City's Zoning Regulations to reference the City's current adopted building code. On February 17, 2009, the Haddington Court property owners submitted a letter to the Director of Planning and Development Services (Attachment A) requesting zoning amendments to allow front entry

garages which they believe will alleviate some of the property damage incurred during flooding events. The residents of Haddington Court indicate in their letter that flood waters and sewer overflows have repeatedly entered their garages and basements. Since the last flooding event in September 2008, the City, along with representatives of MSD, state and federal emergency management agencies have met with the property owners to address the flooding concerns. The residents believe the elimination of below grade and rear entry garages would help reduce the flooding impact to their properties. Because of the existing UDD restrictions, which encompasses Haddington Court as part of the Clayshire UDD pertaining to the prohibition of front garage placement, zoning amendments are required.

Catherine stated that the following sections that are affected by the Clayshire Urban Design District (UDD) amendments are as follows:

Article VII: Clayton Gardens and Clayshire subdivision (R-2) and Clayton Gardens (R-4) Urban Design Zoning Districts

- Section 410.345 Front Lot Coverage
- Section 410.350 Total Lot Impervious Coverage

Currently, side, rear or detached garages are required and must be utilized where 50% of the homes on the block have them. The amendment would exempt Haddington Court properties from this restriction. Additionally, the current UDD language provides for impervious coverage bonuses above the base of 40% up to a maximum of 55% depending on the location of the garage entry at or below grade; side, rear or detached from the structure.

The text amendment would exempt properties fronting Haddington Court from garage placement restrictions and associated impervious coverage bonuses. The new language would allow front entry garages; raise the front yard impervious coverage from 30% to 40% to match base R-2 zoning regulations; and, would allow total lot impervious coverage at 55% to match the base zoning regulations. Third garage doors on the front façade would remain prohibited.

Catherine indicated that additional amendments are proposed to update references to the City's adopted building code pertaining to site plan review and maximum occupancy. The following sections are affected by this amendment:

Article VIII. Site Plan Review

- Section 405.1010(20) Application and Plan Requirements

All Residential Zoning Districts Use Tables

- Sections 405.1780 R-1 Use Table; 405.1950 R-2 Use Table; 405.2100 R-3 Use Table; 405.2260 R-4 Use Table; 405.2240 R-5 Use Table; 405.2610 R-6 Use Table; 405.3580 R-7 Use Table

The revised language would eliminate the reference to the BOCA code and replace it with the International Building Code.

Catherine stated that the allowance of front entry garages for Haddington Court will address the unique topographical conditions in this area and will help reduce flood impacts to the residences. She stated that much of Haddington Court is located in the 100-year flood plain and flood waters into the structures enter through the garages. The total lot and front yard impervious coverage requirements of the Clayshire UDD will revert back to base R-2 zoning requirements for Haddington Court only and that the amendment to reference the City's current building code should be made to improve reliability amongst the City's various codes.

Catherine asked that the Plan Commission conduct a public hearing and recommend a text amendment to Chapters 405 and 410 of the City's Land Use codes to the Board of Aldermen.

Marc Lopata asked when the Urban Design Districts were created.

Catherine Powers indicated that they were adopted in 2001.

Marc Lopata asked why they were created.

Catherine Powers indicated that they were created due to either current development pressure or anticipated development pressure.

Marc Lopata asked when recorded previous flooding occurred on Haddington Court (pre 2008).

Catherine Powers replied that although she has no formal record, she is aware of flooding in 1993 and 1998.

Marc Lopata stated that he assumes that the houses on Haddington Court were constructed before the adoption of the UDDs.

Catherine Powers replied "yes".

Chairman Sanger stated that that subdivision was probably established around 1947.

Marc Lopata asked if front entry garages would alleviate basement flooding.

Catherine Powers replied "yes". She explained that detached rear garages as well as attached side and rear entry garages would be very difficult in this area.

Marc Lopata commented that this situation is happening because of the continuous erosion of pervious surface area, so when we (this Commission) talks about impacts of development on neighboring properties, it certainly does impact neighbors.

Chairman Sanger opened the public hearing.

Catherine Powers corrected her earlier statement of 40% front yard coverage; it should be 45%.

Ron Reim asked if 45% will bring it to the base zoning.

Catherine Powers replied “yes”.

Chairman Sanger asked if there would be an issue regarding front yard coverage with any of the homes if they were to fill in the driveway (as #10 did) and then build an attached garage in the front.

Catherine Powers indicated that issues such as that would be looked at during site plan review.

Jason Jaggi commented that an additional 5% coverage can be granted by the Plan Commission (up to 50% front yard coverage or up to 60% total lot coverage).

Chairman Sanger asked the owner of #10 Haddington Court if they are intending to build a garage.

Ms. Angela Pierce indicated that they want a garage, but are not sure at this time how they are going to proceed.

Chairman Sanger indicated that he is curious what the lot coverage would be if a 2 car garage were built on that lot.

Without a site plan, that question could not be answered.

Mr. Mel Disney, Clayton resident, asked if this applies only to Haddington Court UDD.

Chairman Sanger replied “yes” and that it is the UDD that restricts front entry garages.

Mr. Disney stated that he hopes that the discretionary privilege that this Commission can exercise will keep front entry garages from areas that are not covered by a UDD. He then mentioned Maryland School and the 6 or 7 lots on the south side of Westmoreland Avenue and his opposition to front entry garages.

Catherine Powers indicated that the ARB Guidelines also speak to front entry garages in that they are not permitted unless they are prevalent in the neighborhood.

A discussion regarding permits ensued. Catherine Powers informed the members that new structures (including garages) require a building permit and possibly even ARB approval.

Ms. Pierce advised the members that she does have a building permit.

Mr. David Lambeth, owner of #11 Haddington Court, informed the members that he constructed an addition in 2003 which had come before the ARB and at that time, wanted to get approval for a front entry garage, but was told was against ordinance. Since that time, they have experienced two floods, one of which (water main break) only affected his property.

Ms. Leslie Lambeth advised the members that a front entry garage can be constructed to be architecturally compatible with the neighborhood and hopes that each project is carefully reviewed so as to preserve the architectural integrity of the neighborhood.

Steve Lichtenfeld made a motion to close the public hearing, which received unanimous approval.

Chairman Sanger announced that the public hearing is closed.

A discussion took place regarding where the water comes from. Various responses were given. Mr. Hess, owner of #6 Haddington Court, indicated that during both the 1993 and the 2008 floods, water came over the berm and through the storm drain.

Marc Lopata asked if anyone would be allowed to exceed 55% total lot impervious coverage.

Catherine Powers reiterated that the Plan Commission can, at their discretion, grant up to a 5% increase in lot coverage, or up to 60%.

Being no further questions or comments, Steve Lichtenfeld made a motion to recommend approval of the Zoning Ordinance text amendments, as proposed, to the Board of Aldermen. The motion was seconded by Marc Lopata and unanimously approved by the members.

CONDITIONAL USE PERMIT – ROCKSTAR FITNESS – 7533 FORSYTH BOULEVARD,
1ST FLOOR

Mr. John Kiehne, business owner, was in attendance at the meeting.

Catherine Powers explained that the business will occupy the first floor, approximately 1,000 square feet, of the small multi-tenant building. According to the application, the use will be for individual music instruction and occasional band practices during non-business hours. The spouse of the applicant also intends to use the space as an office for personal training services; however, the fitness use will be conducted off-site. According to conversations with the applicant, the hours of operation for the individual music instruction will be 9am to 5pm Monday through Friday. The group practices will be conducted in the evenings and on weekends. The submitted building lease indicates that the applicant is renting the space on a month-to-month basis and has access to the parking spaces behind the building. Catherine stated that the potential impact with this proposed use involves the potential for disruptive noise associated with the instruments, especially when the group practices are conducted. The applicant indicates that the building is located 200 feet from any residential area and no windows or doors face this direction. A greater nuisance may be

associated with the other tenants of the building which may find the noise disruptive to their business. In response to this potential concern, the applicant indicates that the noise level is comparable to the average TV or radio listening and will not be disruptive to others in the building. Parking is not anticipated to be a concern. In addition, the individual music instruction, which is proposed to occur during regular business hours, should not create a parking issue. Catherine indicated that staff recommends approval of the Conditional Use Permit to the Board of subject the following conditions:

1. That the use be limited to individual musical instruction during business hours (8:00am to 5:00pm).
2. That the noise levels be minimized so as to not create a nuisance for adjacent businesses and residential areas to the north.
3. That no fitness-type operations be conducted in the building.
4. That signage be approved by the City prior to installation.

Mr. Kiehne stated that he teaches primarily guitar and that calling his business an “academy” is an overstatement.

Chairman Sanger asked about the business name “Rockstar Fitness”.

Mr. Kiehne stated that his wife has developed her own training system and their hope for the future is to be able to move into a 10,000 square foot facility.

Chairman Sanger asked about restrictions.

Catherine Powers stated that the CUP governs the use.

Chairman Sanger asked about noise.

Mr. Kiehne stated that the noise in this room is louder than the noise generated by his music lessons.

Chairman Sanger asked about drum playing.

Mr. Kiehne indicated that he does not have a drum student at this time.

Steve Lichtenfeld stated he, too, is concerned about noise. He stated that he realizes that all residences are at least 200 feet away, but questions if there are other tenants in the building.

Mr. Kiehne replied “yes”. He stated that he has talked with the other tenants about his business.

Chairman Sanger asked if Mr. Kiehne would object if his hours were limited to 3 to 10 p.m.

Mr. Kiehne indicated that would be fine.

Steve Lichtenfeld asked if a 6 month review can take place to evaluate the noise.

Catherine Powers indicated that a review can be done or the Conditional Use Permit can address noise complaints and the requirement for sound-proofing if such complaints arise.

Kevin O'Keefe recommended the Permit address this matter.

Marc Lopata asked about Clayton's noise ordinance.

Catherine Powers advised the members of St. Louis County's noise ordinance.

Chairman Sanger also suggested incorporating something into the Conditional Use Permit.

Mr. Kiehne stated that his proposed hours of operation are 1 p.m. to 9 p.m. Monday through Friday, 9 a.m. to 5 p.m. Saturday and Noon to 5 p.m. on Sundays.

Steve Lichtenfeld suggested the hours be Noon to 9 Monday through Friday, Noon to 5 on weekends.

Kevin O'Keefe asked if the time factor is critical.

Chairman Sanger voiced his concern about a student playing drums early in the morning.

After discussion, the agreed upon hours of operation are Sunday through Friday from Noon to 9 p.m. and Saturday 9 a.m. to 9 p.m.

Marc Lopata made a motion to recommend approval of the Conditional Use Permit to the Board of Aldermen per staff recommendation numbers 3 and 4 as written; recommendation number 1 to be revised to reflect the hours as stated in the paragraph above (Sunday through Friday from Noon to 9 p.m. and Saturday 9 a.m. to 9 p.m.); recommendation number 2 revised to read "That the noise levels from the musical instruments not cause disruption to adjacent businesses within the building or the surrounding area". The motion was seconded by Scott Wilson and unanimously approved by the members.

CONDITIONAL USE PERMIT/OUTDOOR DINING – SUBWAY RESTAURANT – 6451 CLAYTON ROAD (DEMUN POINTE)

Mr. Mike Wheelehan, representing Jaffar & Pamela Zoroufchi, Franchisees, was in attendance at the meeting.

Catherine Powers explained that the applicant proposes a fast food chain (Subway) establishment to occupy approximately 1,400 square feet and accommodate 30 patrons in the dining area and another 6 customers on the patio facing Clayton Road. Parking will be available in the building's parking garage. The building owner has also secured 2 parking spaces across Clayton Road on Bellevue for employee parking. The proposed hours of operation are 8:00 a.m. until 10:00 p.m., seven days a week. Deliveries to the restaurant will be made to the rear building loading dock. The proposed restaurant will not offer a delivery service. Trash dumpsters are located in the rear of the building. Catherine stated that the inclusion of a casual dining establishment will provide convenience to building residents and the general public and it is anticipated that there will be significant walk-in traffic from St. Mary's Hospital as well as the surrounding neighborhood. Catherine indicated that staff recommends approval of the Conditional Use Permit to the Board of Aldermen with the condition that employees park in the parking spaces available on Bellevue Avenue.

Mr. Wheelehan informed the members that their outdoor furniture sample was ordered, but has not yet been delivered and therefore, cannot present a sample at this time. He apologized for not being able to present a furniture sample, but stated that he does have a brochure depicting the proposed furniture.

Chairman Sanger asked if this type restaurant was anticipated when DeMun Pointe was presented for construction. He stated that at that time, the neighbors were assured that a facility would not be approved that would generate excessive vehicular traffic. He then referred to the Bread Company that is located up the street on Clayton Road.

Catherine Powers stated that staff believes that the location, across the street from St. Mary's, will bring in a lot of walk in traffic and that Subway is more of a grab-and-go type establishment rather than a sit down and take time to eat type facility. She stated that there is also more available parking at this location than at the Bread Company.

Steve Lichtenfeld asked if any neighbors have voiced concerns with regard to this establishment opening up in this building.

Catherine Powers advised Steve that the City has not heard anything from any of the neighbors.

Marc Lopata asked if My Daddy's Cheesecake and San Sai are both tenants in this building.

Jason Jaggi informed Marc that My Daddy's Cheesecake is currently the only restaurant in the building (they took the place of San Sai).

Being no further questions or comments, Marc Lopata made a motion to recommend approval of the Conditional Use Permit to the Board of Aldermen. The motion was seconded by Scott Wilson and unanimously approved by the members.

The outdoor dining proposal was now reviewed and considered by the Board.

Catherine Powers explained that the applicant is proposing to operate outdoor dining consisting of 6 seats at 3 tables on a concrete area in front of the DeMun Pointe building. The outdoor dining patio is located entirely on private property. The tables will be round with two seats each. The metal tables and chairs will be a soft grayish/green color. Catherine indicated that staff recommends approval with the following conditions:

1. That the applicant receive an Outdoor Dining Permit prior to operating the outdoor dining area.
2. That the number of tables be limited to no more than 3 and chairs to no more than 6.
3. That no logos or advertising be located on the umbrellas, if installed at a later date.

Chairman Sanger asked if the applicant understands and will comply with the conditions staff is recommending.

Mr. Whelehan replied “yes”.

Marc Lopata asked if there will be a pedestrian railing.

Jason Jaggi replied “no”.

Being no further comments or questions, Scott Wilson made a motion to approve per staff recommendations. The motion was seconded by Steve Lichtenfeld and unanimously approved by the Board.

BOUNDARY ADJUSTMENT & VACATION PLAT – THE CRESCENT – 155 CARONDELET PLAZA

Ms. Judy Rosen, Manager/Agent of The Crescent Condominium Association, was in attendance at the meeting. She introduced Jay Haas with Massman Surveying and Abdul Ahmed with Chesterfield Fence.

Catherine Powers explained that the vacation plat will release approximately 79 square feet of alley right-of-way located adjacent to the Crescent Condominium property, which area is most likely a remnant of the Plaza in Clayton plat prepared in the 1980’s. The boundary adjustment plat will create an additional minor adjustment to Lot 1, The Crescent Condominium plat, by conveying approximately 79 square feet of alley right-of-way. The original Adjusted Lot 1 contained 87,405 square feet and, if approved, the Adjusted Lot 1 will contain 87,124 square feet. There are no known public utilities are located in this area. Catherine stated that staff is of the opinion that the proposed vacation and boundary adjustment represent a minor request and will transfer ownership and maintenance of an unneeded portion of the alley right-of-way. The Public Works Department has reviewed the plat and finds it acceptable. The Board of Aldermen is required to approve, by ordinance, the vacation of City rights-of-way. Staff recommends that the boundary adjustment plat approval be conditioned upon the Board of Aldermen’s granting of the right-of-way vacation. Catherine stated that staff recommends that the Plan Commission approve the Boundary

Adjustment Plat and that the Plan Commission recommend approval of the vacation plat to the Board of Aldermen with the following conditions:

1. That the plat be considered null and void if the Board of Aldermen denies the request for Right-of-Way vacation.
2. That the applicant provide a Mylar for the appropriate City of Clayton signatures per the Subdivision Ordinance requirements after the Board of Aldermen approves the Right-of-Way vacation;
3. That the applicant file the plats with the St. Louis County Recorder of Deeds office and submit proof of filing to the City within 30 days of Plan Commission approval and after the Board of Aldermen approves the Right-of-Way vacation.

Chairman Sanger asked for a brief description of the subject 79 square feet.

Jason Jaggi stated that it is a very small area that appears to be a remnant of a previous adjustment that was made. He stated it is at the end of Lyle behind The Crescent's steps at the rear off the alley.

Mr. Haas provided a visual description of the area to be vacated.

Mr. Ahmed submitted, in lieu of an actual sample, a photograph of the fence that is on the St. Louis Closet Company's property in Maplewood, stating this is the same fence as proposed. He stated that this fence, however, will only consist of approximately 6 to 8 sections (about 40 feet). He explained the aluminum fence will be 8' in height.

Chairman Sanger asked if this fence will restrict access to the rear of the property.

Ms. Rosen replied "yes"; she stated it is a safety feature.

Steve Lichtenfeld asked if the Adjusted Lot 1 will become smaller or larger.

Chairman Sanger indicated that the lot will become larger.

It was noted that the square footages as indicated in the third paragraph of staff's memorandum were inadvertently reversed.

Ms. Jo Christner, owner of 10 S. Lyle, asked if the fence will block the alley.

Ms. Rosen replied "no".

Being no further questions or comments, Steve Lichtenfeld made a motion to approve the Boundary Adjustment and recommend approval of the vacation plat to the Board of Aldermen per

staff recommendations (outlined above). The motion was seconded by Scott Wilson and unanimously approved by the members.

ARCHITECTURAL REVIEW - ADDITION TO SINGLE FAMILY RESIDENCE

Mr. Alan Ruby with Donna Boxx Architects was in attendance at the meeting. Also in attendance was the property owner, Stacey Dimartini.

Catherine Powers explained that this is a request for a one-story addition (with lower level garage) to be located on the rear of the existing structure; the existing garage area in the basement will be converted to living space. The existing home is a stucco, 3,930 square foot (including basement) two-story Tudor-style structure located in Claverach Park. The proposed stucco addition measures approximately 1,450 square feet (including the garage). Catherine noted that site plan review is not required because the addition is less than 50% of the square footage of the existing structure. Catherine indicated that the addition is primarily stucco to match the existing residence with Hardie board siding proposed for the west gable to match the existing half-timbering of the Tudor-style. The east and west elevations also feature stucco and half-timbering accents in keeping with the Tudor style. A white decorative garage door is proposed on the north elevation. The height of the addition will be 24 feet from grade (measured at the garage door opening) to the mean roof peak and will contain slate tiles to match existing. The windows are proposed to be white clad casement to match existing. The driveway will be extended approximately 6-feet to the west to accommodate parking in the lower level. Existing and proposed HVAC units are shown on the south side within a recessed area. Screening is shown with a wood fence. Trash will be stored within an alcove under the reconstructed rear deck. Catherine stated that the project architect indicates that existing storm water is piped to a storm sewer located to the rear between the subject property and 840 and 844 Audubon. The plans indicate all existing downspouts and proposed downspouts are to be connected to this sewer. Impervious coverage is shown at 44%, which is below the maximum of 55%. As shown, the plans comply with impervious coverage and setback provisions of the Zoning Ordinance and Claverach Park Trustee approval has been submitted. Catherine stated that staff recommends approval with the condition that the downspouts and drains be connected to the storm sewer.

Mr. Ruby indicated that Catherine provided a very detailed explanation of the project. He noted that the gables will actually be true stucco to match, but they will use the James Hardie trim boards. He stated the existing home has a rear entry basement garage and that all storm water will be tied to the existing sewer line.

Marc Lopata noted that there is no site plan review required for this project. He asked the increase in impervious coverage as a result of this addition.

Catherine Powers stated that with the addition, impervious coverage will be at 44%.

Marc Lopata asked the existing impervious coverage.

Catherine Powers stated that staff did not calculate/determine that information.

Mr. Ruby commented that most of the addition is on top of the existing driveway.

Ms. Dimartini informed the members that there used to be six more feet of driveway.

Mr. Ruby presented a slate sample, stucco sample and sample of the clad window (Marvin).

Being no further questions or comments, Scott Wilson made a motion to approve per staff recommendation. The motion was seconded by Marc Lopata and unanimously approved by the Board.

Chairman Sanger recognized some of the recent achievements and awards that were recently publicized about Scott Wilson's company, S.M. Wilson.

The City Manager provided an update of the Centene and RJ York projects to the members.

Catherine Powers advised the members that the City received its first Historic Preservation petition (Skinker Heights). She stated that she and JoAnne Boulton are trying to come up with a date to hold a neighborhood meeting; after such meeting public hearings will take place and a vote taken.

Being no further business for the Plan Commission/Architectural Review Board, this meeting adjourned at 6:40 p.m.

Recording Secretary